

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR ISSUANCE OF
CRIMINAL COMPLAINT AND ARREST WARRANT**

Your affiant, Special Agent Tiffany Smith, being duly sworn and deposed, states as follows:

INTRODUCTION

I, Tiffany Smith, being first duly sworn state:

1. I am a Special Agent with the Naval Criminal Investigative Service (NCIS), and have been employed with NCIS since November 2021. I am a sworn federal law enforcement officer. Your affiant has received approximately 950 hours of training the Federal Law Enforcement Training Center in Glynco, Georgia. This training included the Criminal Investigator Training Program, which provided instruction on investigations, federal law, and other practical issues for investigators. Additionally, the Special Agent Basic Training Program sponsored by NCIS consisted of training in various investigations, including death investigations, military law, firearms, intelligence, and crime scene investigation. Prior to NCIS, I was employed as a Correctional Officer with the Federal Bureau of Prisons for five (5) years. Prior to my tenure as a Correctional Officer, I was a paralegal preparing Motions and Discovery, as well as, trial preparation for criminal complaints. During the course of my tenure as a Special Agent and previous employments, I have served in the United States Army as a Military Police Officer for approximately ten (10) years where I held the rank of Captain. During my time as a Military Police Officer, I completed a 17 week Military Police Basic Officer Law Enforcement Training located in Fort Leonard wood, MO. My education consists of a Bachelor's of Science degree in Pre-Law from Mountain State University and a Masters of Professional Studies degree in Homeland Security from Pennsylvania State University.
2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.
3. The facts in this affidavit come from information obtained from other agents and law enforcement officers, witnesses, my knowledge, training and experience, and personal observations. This affidavit is intended to show there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.
4. This affidavit is being made in support of a criminal complaint and application for an arrest warrant for **JOSHUA LEE RAY** for violations of 18 U.S.C. § 2241(c) (aggravated sexual abuse- with children), 18 U.S.C. § 2244(a)(5) (abusive sexual contact with a child under 12 years of age), 18 U.S.C. § 2252(a)(4)(B) (possession of child pornography), and 18 U.S.C. § 1519 (destruction, alteration, or falsification of tangible object in federal investigation) offenses which occurred in the Eastern District of Virginia and elsewhere.

BACKGROUND OF THE INVESTIGATIVE TEAM

1. This ongoing investigation is being conducted by NCIS. The respective agents and investigators assigned to this investigation are hereinafter referred to as “the investigative team.”

PERTINENT FEDERAL CRIMINAL STATUTES

2. 18 U.S.C. § 2241(c) provides whoever crosses a state line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in a sexual act with another person who has not attained the age of 12 years, or knowingly engages in a sexual act under the circumstances described in subsections (a) and (b) with another person who has attained the age of 12 years but has not attained the age of 16 years (and is at least 4 years younger than the person so engaging), or attempts to do so, shall be punished.
3. 18 U.S.C. § 2244(a)(5) prohibits a person, within the special maritime or territorial jurisdiction of the United States or in a federal prison, from knowingly engaging in sexual contact or causing sexual contact with a person who has not attained the age of 12 years.
4. 18 U.S.C. § 2252(a)(4)(B) prohibits a person from knowingly possessing, or knowingly accessing with intent to view, one or more books, magazines, periodicals, films, or other materials which contain visual depictions of minors engaged in sexually explicit conduct that have been mailed, shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed, shipped or transported, by any means including by computer.
5. 18 U.S.C. § 1519 whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case.

BASIS FOR FACTS CONTAINED IN AFFIDAVIT

6. Since this affidavit is being submitted only for the limited purpose of securing authorization for a criminal complaint and arrest warrant, your affiant has not included each and every fact known to the investigative team concerning this investigation. Rather, your affiant has set forth only those facts that are believed to be necessary to establish probable cause to arrest the aforementioned individuals.
7. Your affiant has personally participated in the investigation of the offenses described in this affidavit. As a result of your affiant’s participation in this investigation and a review of

reports made to your affiant by other members of the investigative team, your affiant is familiar with the circumstances of this investigation. On the basis of this familiarity, and on the basis of the other information which I have reviewed and determined to be reliable, your affiant alleges the following:

FACTS AND CIRCUMSTANCES

8. On August 15, 2022, the father of Minor Victim 1, age 11, contacted NCIS Resident Agency (NCISRA) Norfolk regarding an allegation of child sexual assault that Minor Victim 1 made to him.
9. Minor Victim 1 disclosed being sexually assaulted by a former babysitter identified as ICI Joshua Lee RAY, assigned to the United States Navy aboard the USS GRAVELY (DDG 107). Minor Victim 1 disclosed to his father that he watched videos with RAY of adult females engaged in oral sexual intercourse with adult males. Minor Victim 1 reported that he and RAY would engage in similar sexual acts.
10. Minor Victim 1 relayed the alleged sexual assault(s) would occur at RAY's military housing located in Newport News, Virginia, in concurrent jurisdiction. These incidences occurred between January 2017 and December 2021.
11. On September 1, 2022, NCIS attended the child forensic interview of Minor Victim 1 located at the Children's Hospital of The King's Daughters (CHKD). During the forensic interview, Minor Victim 1 disclosed RAY showed him videos of "girls sucking boys dicks." Minor Victim 1 further advised RAY would show him pornographic videos from his cellular telephone every time prior to Minor Victim 1 performing oral sex on RAY.
12. Minor Victim 1 further disclosed RAY would ejaculate and "white stuff" would come out of RAY's "pee pee hole." Minor Victim 1 recalled RAY would tell him to, "stop chewing" or to stop getting his teeth on RAY's penis.
13. On September 8, 2022, NCIS conducted an interview of the mother of Minor Victim 1. During her interview she revealed one incident wherein Minor Victim 1 was taking a bath, was handed a rag, and she told him to wash his genital area. Minor Victim 1 made a comment about RAY's genital area and mentioned, "white stuff coming out."
14. On September 8, 2022, NCIS conducted an interview of the father of Minor Victim 1. During his interview he disclosed two (2) incidences wherein Minor Victim 1 made unusual comments. The first incident occurred while Minor Victim 1 was taking a bath and mentioned something about "white liquid," however no further information was provided. The second incident occurred when Minor Victim 1 was found to be watching anime porn.
15. On September 22, 2022, NCIS conducted an interview of RAY regarding the alleged allegations. RAY was asked if he watched any pornographic material with Minor Victim 1, which he initially denied. However, after further questioning RAY provided there was a "slight chance" Minor Victim 1 could have potentially witnessed him watching pornographic material from the reflection in the bathroom mirror. Upon further

questioning, RAY provided he could have opened his internet browsing application on the couch to “scroll” and pornographic material could have been present from his previous browsing history. RAY denied all allegations of child sexual assault.

16. On October 6, 2022, RAY’s cellular telephone was seized and subsequently searched pursuant to a Command Authorization for Search and Seizure (CASS). The search of RAY’s cellular telephone did not reveal any pertinent information relevant to the child sexual assault involving Minor Victim 1. However, during a review of the cellular telephone images containing sexually explicit images of minors (child sexual abuse material or “CSAM/”) were discovered.
17. On October 6, 2022, NCIS obtained a second CASS for RAY’s cellular telephone for CSAM. As a result of the review, thirteen (13) images were located, which depicted CSAM. Additionally, seven (7) images which depicted suspected anime child pornography were located.
18. RAY’s cellular phone was manufactured outside of Virginia.
19. NCIS reviewed the images of suspected CSAM and images of suspected anime child pornography. The description for the images are as follows:
 - a. Image file identified as aca706a3a44f837448f30cbf3cd01211.jpg depicts a suspected prepubescent female positioned on her back with her legs raised and spread above her head. The suspected prepubescent female is wearing a pink lace bra covering her breasts and a pink lace thong partially exposing her vagina.
 - b. Image file identifies as 875692cd3419915fd50ffc005961ca5d.jpg depicts a suspected prepubescent female positioned with her face beside an erect suspected adult male penis. The suspected prepubescent female is clothed and her hands are in front of her face.
 - c. Image file 6a2b015a75ac0f4633dad747b2716c47.jpg depicts a suspected prepubescent anime female with her vagina fully exposed and a penis above the suspected prepubescent female. The suspected prepubescent female has white liquid on her legs, buttocks, and vagina.
 - d. Image file da4ce4183def58ac7b12f5fdc47c5520.jpg depicts a suspected prepubescent anime female with breasts and vagina fully exposed positioned on her back with a suspected adult male penis inserted in the suspected prepubescent female’s vagina with white liquid covering the vagina.
 - e. Image file 98a09360332f08691a0311eb0dfac58d.jpg depicts a suspected prepubescent anime female with fully exposed breasts and vagina. The suspected prepubescent female is held by a male with an erect penis inserted in the vagina. The vagina and buttocks are covered with a white liquid.

- f. Image file 4b8e19b6925ee5aa50bcd188aea68126.jpg depicts a suspected prepubescent anime female with her back positioned forward and a fully exposed vagina with white liquid on the vagina.
 - g. Image file 1935b58dd96c4f91b8bid2915208ad6f.jpg depicts a suspected prepubescent anime female with fully exposed breast and vagina sitting on the genital area of an unidentified nude individual.
 - h. Image file e1b31405f13a92798d2f0a556b5f0ddf.jpg depicts a suspected prepubescent anime female with breast and vagina fully exposed. The suspected prepubescent female is positioned on her side with a suspected adult male located behind her inserting an erect penis in her vagina.
 - i. Image file 08dffcb91f85760d82702a2e870c19e8.jpg depicts a suspected prepubescent anime female with breasts and vagina fully exposed and an erect penis inserted into the suspected prepubescent female's vagina.
20. During the extraction numerous photographs of suspected prepubescent females were exchanged, viewed, or stored on Instagram. The images of the suspected prepubescent females were of females fully clothed and/or partially clothed; however, their breasts and vaginas were not exposed. The females were posed in various manners and a description of a sampling of images are described below:
- j. Image file 4309dda16b5a2b16224c7c388d621f3a.jpg depicts a two (2) suspected prepubescent females standing together on the beach. The first suspected prepubescent female is standing in front the other suspected prepubescent female with her hand resting on the upper thigh of the suspected prepubescent female behind her. Additionally, one suspected prepubescent female is wearing a bikini top, which appears to be wet and translucent.
 - k. Image file 009ad97df3d4bc8f487e6cdb9d286b28.jpg depicts a suspected prepubescent female standing and looking over her right shoulder. The suspected prepubescent female is nude from the waist up and is wearing floral underwear. The suspected prepubescent female's breasts and vagina are not exposed. A sheer cover is draped over the shoulder of the suspected prepubescent female.
 - l. Image file 87ae017af25a4b1e57680e8fad2b019.jpg depicts a suspected prepubescent nude female from the chest up; however, her breasts are not exposed. The suspected prepubescent female is looking over her shoulder with her hands in her hair.
 - m. Image file 762cc459545bf0384ecc478fa2db217.jpg depicts a suspected prepubescent female wearing a cropped tank top and shorts, which expose a large portion of her buttocks. The suspected prepubescent female has her buttocks directed towards the camera and is looking over her should with her arms bent and her hands resting on her chest.

21. During review of the phone extraction for the cellular telephone belonging to RAY, it was discovered that on September 22, 2022, the same exact day RAY was interviewed by NCIS, RAY used the search engine Bing via Google Chrome to search multiple ways to "clear Instagram history" and "reset Instagram explore page." Additionally, on September 23, 2022, RAY searched "shred free space android."
22. During further review of the phone extraction, it was also discovered RAY purchased an application called iShredder via the Google Play Store. iShredder is a downloadable application by Protectstar users can download to their phones or computers to erase data files from those phones or computers. As stated on their website, Protectstar explains "iShredder is the most popular data eraser for iOS, Android, Windows, Mac and Windows Server," and described iShredder as "secure erasing of confidential data." It also described iShredder as a way to enable "users to efficiently delete their data in such a way as to preclude reconstruction, even by government agencies."
23. On August 15, 2023, NCIS submitted thirteen (13) images containing suspected CSAM to the National Center for Missing and Exploited Children (NCMEC) for examination. The results are currently pending.
24. On September 19, 2023, NCIS obtained a case file from Newport News Police Department (NNPD) regarding a prior child sexual assault investigation that named RAY as the subject of the investigation from 2017.
25. Upon review of the case file, in January 2017, Minor Victim 2, age 8, disclosed to her father that RAY touched her inappropriately. Minor Victim 2 disclosed to her father that RAY would pull down her pants and touch her vagina at RAY's military housing located in Newport News, Virginia. The incidences occurred between January 2015 and January 2017.
26. On January 6, 2017, Minor Victim 2 attended a child forensic interview in Shiawassee County, Michigan. When asked about why Minor Victim 2 was being interviewed Minor Victim 2 advised she was there to discuss what RAY did to her. However, when asked what RAY did, Minor Victim 2 stopped talking and was unwilling to talk to the interviewer about the details.
27. On January 13, 2017, the mother of Minor Victim 2 was interviewed and advised Minor Victim 2 recalled RAY used to pull down her pants and "touch her in a funny way." Minor Victim 2 also disclosed to her friend that "Mr. Josh" showed her videos on his phone with nude men and women. Minor Victim 2 said they "did stuff," but stated she did not want to talk about it. Minor Victim 2 was asked if anyone ever made her do anything she saw in the videos and Minor Victim 2 relayed RAY made her do stuff she saw in those videos. Minor Victim 2 said she was touched in front of two other kids that RAY was watching, including Minor Victim 1 and Minor Witness 1.
28. Minor Victim 2's mother recalled that on one incident RAY, Minor Witness 1, and Minor Victim 2 were in RAY's bedroom and Minor Witness 1 was naked on top of RAY. Minor Victim 2's mother advised that she observed RAY watching porn at this time.

29. On January 31, 2017, RAY was interviewed by NNPD regarding the allegations of child sexual abuse involving RAY and denied all allegations of child sexual abuse.
30. On September 20, 2023, NCIS conducted a telephonic interview of Minor Victim 2's mother regarding Minor Victim 2. Minor Victim 2's mother relayed Minor Victim 2 has made multiple disclosures of child sexual abuse involving RAY in the years since the incident. Minor Victim 2's mother provided that Minor Victim 2 often drew images depicting the child sexual assault and would share them with her mother.
31. On September 20, 2023, NCIS conducted a telephone interview of Minor Victim 2's father regarding the disclosures previously made by Minor Victim 2. Minor Victim 2's father advised that Minor Victim 2 has made multiple disclosures regarding the child sexual abuse involving RAY and has sought counseling for the sexual abuse. Minor Victim 2's father advised that Minor Victim 2 has a journal in which she writes and draws pictures in depicting the sexual assault.

CONCLUSION

32. Based on the information contained herein, I submit that there is probable cause to believe that:

Count One: From on or about January 2017 through on or about December 2021, within the Eastern District of Virginia, within the special maritime and territorial jurisdiction of the United States, the defendant, Joshua Lee RAY, did knowingly engage in a sexual act, to wit, contact between the mouth and the penis with another person who had not attained the age of 12 years, Minor Victim 1, in violation of 18 U.S.C. § 2241(c);


Count Two: From on or about January 2015 through on or about January 2017, within the Eastern District of Virginia, within the special maritime and territorial jurisdiction of the United States, the defendant, Joshua Lee RAY, did knowingly engage in sexual contact and cause sexual contact, to wit, intentional touching of the genitalia with another person who had not attained the age of 12 years, Minor Victim 2, in violation of 18 U.S.C. § 2244(a)(5);

Count Three: From on or about June 23, 2022 through on or about October 6, 2022 Joshua Lee RAY knowingly possessed knowingly possessed a cellular telephone, an Android Note 20, model SM-N981U, IMEI number 351447190415446, which contains visual depictions of minors engaged in sexually explicit conduct that have been mailed, shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed, shipped or transported, by any means including by computer, in violation of 18 U.S.C. § 2252(a)(4)(B).

Count Four: On or about September 22, 2022, within the Eastern District of Virginia, the defendant, Joshua Lee RAY, did knowingly and did attempt to alter, destroy, mutilate, conceal and cover up the contents of his cellular phone, a record and tangible object, with the intent to impede, obstruct, and influence the investigation and proper administration of the Naval Criminal Investigative Service's investigation, a matter that the defendant knew and contemplated was within the jurisdiction of the Naval Criminal Investigative Service, a department and agency of the United States.

33. Accordingly, I request that a complaint and arrest warrant be issued charging JOSHUA LEE RAY with such offenses.

FURTHER YOUR AFFIANT SAYETH NOT.



Tiffany Smith, Special Agent
Naval Criminal Investigative Service

Sworn and subscribed to before me on this 6th day of October 2023.



United States Magistrate Judge
Norfolk, Virginia